



Appeal Decision

Site visit made on 17 January 2022

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2022

Appeal Ref: APP/D1590/W/21/3272515

**Crowstone Preparatory School, 121-123 Crowstone Road, Westcliff-on-Sea
SS0 8LH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by BESB Contracts Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/01080/OUTM, dated 24 June 2020, was refused by notice dated 8 October 2020.
 - The development proposed is described as "18 No New Apartments".
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Southend-on-Sea Borough Council against BESB Contracts Ltd. This application is the subject of a separate Decision.

Preliminary Matters

3. The planning application was submitted in outline form with access, appearance, layout and scale for consideration. Matters relating to landscaping are reserved for future determination.
4. Since the submission of the appellant's appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issues

5. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area,
 - whether the development should provide an element of affordable housing, and,
 - the effect of the development on the living conditions of future occupiers with particular regard to space standards.

Reasons

Character and Appearance

6. The appeal site lies on the corner of Crowstone Road and Crosby Road and includes the property at 6 Crosby Road. At the time of my visit, all the existing school buildings had been removed from the site. Although I visited during the winter, it is evident that the area benefits from extensive landscaping and contains a number of street trees. It has a pleasant suburban character that is reinforced by the presence of this landscaping that help soften the built form.
7. The immediate area contains mainly large semi-detached and detached family homes. Although there is a variety in terms of roof style, on the whole they are pitched with gives the area a pleasing sense of rhythm and a degree of uniformity. The properties tend to be set back from the road with private parking and landscaped gardens to the front which contribute to an open character and is reflected in properties across the area.
8. The Council provided the proposed layout and street scenes for a recently approved scheme¹ at the site. Although the approved scheme sits forward of the building line and part of the proposal contains a flat roof, it is nonetheless markedly different to that which is before me and proposes five, two and a half storey dwellings that would follow a similar layout and arrangement to other properties in the vicinity.
9. In contrast, the development proposes two large, detached buildings that would be sited at very close proximity to one another. This would give the impression of a very large mass of building on the site, especially when viewed from the corner of Crosby Road and Crowstone Road. Whilst the buildings propose projecting gables with pitched roofs, the overall form of the development incorporates flat roofs at the apex. Although not exceeding the height of the buildings that previously stood on the site, given the scale of the development, this type of crown roof gives the buildings a somewhat top heavy and bulky appearance in contrast to the majority of buildings that have pitched roofs in the area.
10. Moreover, the amount of development proposed covers a very large area within the site, leaving very little room about the buildings. Whilst the front elevations of Block A would be seen as a terrace when viewed directly from Crowstone Road, when viewed in conjunction with the front elevation of Block B on Crosby Road, it would be seen as an even larger mass of building, giving the appearance of a very large terrace. This would be further compounded by the amount of hardstanding proposed to the front of the buildings, appearing as a development dominated by parking spaces and footways.
11. The renders provided² also depict hedges on the verges positioned in front of parking areas which would need to be removed to allow vehicular access into the site. Notwithstanding that landscaping is a reserved matter, it is evident that the development would result in the loss of street hedging, further harming the character of the area. Although additional landscaping within the site, especially on the corner of Crowstone Road and Crosby Road could potentially counter this loss, I am not persuaded that it would reduce the harm

¹ 20/01612/OUT

² Drawing 617P12

to the character and appearance of the area caused by the overall scale and bulk of the building on such a prominent corner location.

12. The Council also raise other matters relating to detailing of the proposal, such as the eaves height of the gables in relation to the main building and spacing between windows. However, the overall detailing of the building in terms of its external appearance, as opposed to its overall scale, would not be out of context with the residential nature of its surroundings. Consequently, I am not persuaded that these particular elements of the external appearance of the buildings would be unduly harmful to the area.
13. I acknowledge that there are examples of flatted development in the area, most notably the large block of flats opposite the site at Sunningdale Court. Although this building does not reflect the vast majority of development in the area, it is a building of quality that is very striking and imposing, with its strong horizontal banding and quite different to the flatted development proposed. Therefore, I am not persuaded that Sunningdale Court represents an irresistible precedent to find in favour of the development before me.
14. Thus, as a result of the roof treatment and overall scale of the development on this prominent corner location, combined with the loss of landscaping, the proposal would dominate and be out of keeping with the general character of the area. It would be in conflict with Policies KP2 and CP4 of the Southend-on-Sea Borough Council Core Strategy 2007 (CS), Policies DM1 and DM3 of the Southend-on-Sea Borough Council Development Management Document 2015 (DMD) and paragraph 130 of the Framework which seek, amongst other things, to ensure that developments are high quality and enhance and complement the natural and built environment of Southend. In reaching this decision, I have also had regard to the Southend-on-Sea Borough Council Design and Townscape Guide Supplementary Planning Document 2009.

Affordable Housing Provision

15. Policy CP8 of the CS requires that all developments securing 10-49 dwellings provide not less than 20% of the total number of dwellings as affordable units. Thus, as the proposal seeks 18 units, the Council calculate that the development would be required to provide four affordable units. In accordance with Policies KP3 and CP6 of the CS, the Council's education team also requested a financial contribution towards secondary education.
16. The appellant provided a Development Viability Assessment³ (DVA) which concluded that the site has a large, present-day deficit against the Benchmark Land Value. Thus, any additional burden through financial contributions towards infrastructure provision, and/or the provision of affordable housing, would have further detrimental effect on the delivery of the site.
17. However, the Council report that the site was the subject of an independent DVA in 2019⁴ for a development of 18 apartments which recorded that the site was able to viably contribute towards affordable housing and education. The appellant argues that it did not agree to provide the Council with funds to commission a further independent DVA for the proposed development, which in any event was not reflective of land values and the costs of construction.

³ Development Viability Assessment dated June 2020.

⁴ Independent Viability Review, BPS Chartered Surveyors, 6 June 2019

18. Although I acknowledge the appellant's concerns on this matter, it is evident that an independent DVA has found that the site is capable of providing affordable homes in compliance with Policy CP8 of the CS. Moreover, although the appellant's DVA is more recent, it is nonetheless from almost 2 years ago. In any event, it has to be acknowledged that in the previous year the site was found to be able to provide affordable homes, and a contribution towards education, as part of the scheme. Therefore, such matters are reliant on up-to-date data to ensure that it accurately reflects the current market and construction costs.
19. Thus, in the absence of up-to date evidence to the contrary, I am not persuaded that the development could not provide an element of affordable housing, or indeed a contribution towards education. It would be in conflict with Policies CP6, CP8, KP2 and KP3 of the CS, Policy DM7 of the DMD and paragraph 65 of the Framework which seek, amongst other things, to ensure that developments provide an element of affordable housing and contributions towards infrastructure provision.

Living Conditions

20. The Council state that the proposal fails to meet the requirements of the Technical housing standards - nationally described space standard 2015 (NDSS) as unit 10 of the development proposes a 2 bedroom 4 person flat. In such instances, the overall floor area of unit 10 should be a minimum of 70m². The appellant argues that as the second bedroom is a single bedroom, unit 10 is 2 bed 3 person unit and therefore, the floorspace provided is in excess of that required by the NDSS.
21. The appellants evidence confirms that the second bedroom of unit 10 measure some 2.56m x 4.8m providing a total area of 12.3m². It is also evident from the submitted plans that the main bedroom is larger than the second bedroom and the NDSS requires at paragraph 10.f that *"one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide"*.
22. In this instance, as the 'other' bedroom exceeds 2.55m in width, it would be considered a double bedroom. Consequently, as a 2 bedroom 4 person flat it would be required to provide at least 70m² of floor area. As the unit as proposed provides some 65m², it would be in conflict with the NDSS.
23. The appellant states that it would be satisfied with a condition requiring the second bedroom to be reduced in size, with additional storage accessible from the hallway. However, I have nothing before me to demonstrate how that would be achieved and the resultant effects it may have on other rooms within the flat.
24. Therefore, the proposal would fail to provide adequate living space. It would be in conflict with Policies KP2 and CP4 of the CS, Policies DM1, DM3 and DM8 of the DMD (as amended by the Technical Housing Standards Policy Transition Statement 2105) and paragraph 130 of the Framework which seek, amongst other things, to ensure that developments meet, if not exceed, residential space standards to provide a high standard of amenity for future users.

Other Matters

25. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Planning Balance and Conclusion

26. The Council acknowledge that it cannot demonstrate a five year supply of deliverable housing sites. In such circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. There would be social benefits from the provision of 18 dwellings, helping to boost housing in the Borough. There would also be economic benefits resulting from the construction of the development and through local taxation such as council tax. I acknowledge that the site is within a location that is well served by public transport and close to services and amenities, and that the occupants of the dwellings are also likely to assist the local economy through additional spending in the area. The site also constitutes previously developed land and as a small windfall site, it could be developed out relatively quickly. Again, this would assist the Council in boosting its supply of housing. I also note the sustainable methods and technologies that would be used to construct the buildings. Combined, I would attach moderate weight to these benefits.
28. However, the Framework identifies good design as a key aspect of sustainable development, along with creating places that are of a high standard of amenity for existing and future users. The Framework also expects the delivery of affordable homes where the development involves the provision of housing. Consequently, the harm I have found above is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Accordingly, the application of the tilted balance in paragraph 11 of the Framework does not indicate that planning permission should be granted.
29. Thus, for the reasons given above, the appeal is dismissed.

Graham Wyatt

INSPECTOR